

REMARKS

Claims 1-34 are pending. Claims 10, 16, and 23-34 have been withdrawn. No claims have been allowed.

Responsive to the Examiner's objections regarding the Specification, Applicant respectfully submits that the sentence in Paragraph [0008] indicating that the gasket "has a thickness sufficient to withstand internal pressures within the structure and external pressures from¹ without the structure" means that the gasket has a thickness sufficient to withstand both internal pressures from within the structure and external pressures "from without", or outside of, the structure. Applicant has also changed "and" to --an-- at page 3, line 18 (Paragraph [0010]), and has changed "82" to --84-- at page 12, line 32 and at page 13, line 9 (Paragraphs [0052] and [0053], respectively).

The Examiner rejected Claims 1-8, 11-14, and 17-22 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,711,536 to Meyers ("Meyers '536").

Meyers '536 discloses seal 20, shown in Figs. 1-7, including a cylindrical wall member or body 22, wiper blade 24, anchor flange 26, and tear away membrane 30. Wiper blade 24 is integrally connected to wall member 22 by a living hinge, and is foldable between an outwardly-projecting position, shown in solid lines in Fig. 2, and an inwardly-projecting position, shown in dashed lines in Fig. 2. Seal 20 is formed as an injection-molded plastic component, preferably made of a linear low density polyethylene. (col. 7, lines 6-8). In use, after seal 20 is cast in place within concrete tank wall 50, as shown in Fig. 5, pull tab 36 of membrane 30 may be grasped by a suitable tool to tear away membrane 30. Thereafter, as shown in Fig. 7, a pipe DP may be inserted through wiper blade 24 of seal assembly 20, creating a watertight seal via the engagement of pipe DP with wiper blade 24.

Independent Claims 1, 11, and 17, as amended, each call for a gasket, or a combination of a structure and a gasket, wherein the gasket includes a body having a first end and a second end, and an annular sealing projection connected to the second end of the body, at least a portion of the sealing projection increasing in thickness in a direction away from the second end of the body. Support for the present amendments to independent Claims 1, 11,

¹ In Applicant's copy of the Specification as filed, this sentence includes the word "from" in the phrase "from without the structure" and not the word "form". If necessary, Applicant authorizes the Examiner to change by Examiner's Amendment the word "form" to read "from" in this sentence.

and 17 may be found in Paragraph [0036] of the present patent application, and as shown in Figs. 2, 3, and 6.

Applicant respectfully submits that independent Claims 1, 11, and 17 are not anticipated by Meyers '536 because Meyers '536 fails to disclose each and every element called for therein. In particular, Meyers '536 fails to disclose a gasket including a body having a first end and a second end, and an annular sealing projection connected to the second end of the body, at least a portion of the sealing projection increasing in thickness from the second end of the body, as called for in amended independent Claims 1, 11, and 17. By contrast, no portion of wiper blade 24 of the Meyers '536 seal increases in thickness in a direction away from cylindrical wall member 22 of seal 20. Rather, as shown in Figs. 2, 4, and 5 of Meyers '536, for example, the thickness of wiper blade 24 appears to actually decrease in thickness in a direction from cylindrical wall member 22.

Therefore, Applicant respectfully submits that independent Claims 1, 11, and 17, as amended, are not anticipated by Meyers '536. Further, because Claims 2-9, 12-15, and 18-22 each depend from independent Claims 1, 11, and 17, Applicant further submits that Claims 2-9, 12-15, and 18-22 are also not anticipated by Meyers '536.

The Examiner further rejected Claims 1-9, 11-15, and 17-22 as being obvious over Applicant's U.S. Patent No. 4,809,994 to Skinner et al. ("Skinner et al. '994") in view of Meyers '536.

Skinner et al. '994 discloses an annular gasket 13, shown in Fig. 2, which includes body 16, anchoring projection 17, and sealing projection 22 connected to body 16 via hinge 23. Gasket 13 is formed by extrusion, in which gasket 13 is extruded as a strip of material and cut to length, followed by bending same into a circle and vulcanizing the ends of the circle together to form gasket 13. (*See* col. 1, lines 50-60; col. 2, line 5; and col. 3, lines 16-19 and 37-50). The foregoing process is necessary for placing sealing projection 22 in compression and anchoring projection 17 in tension such that sealing projecting portion 22 is stable in each of the extended position thereof, shown in Figs. 3 and 4, and in the inwardly-folded position thereof, shown in Fig. 6.

Applicant respectfully submits that independent Claims 1, 11, and 17 are not obvious over Skinner et al. '994 in view of Meyers '536 because one of ordinary skill in the art would not combine Skinner et al. '994 with Meyers '536 in the manner relied upon by the Examiner.

In particular, the Examiner contends that it would have been obvious to modify the gasket of Skinner et al. '994 to include membrane 30 of seal 20 of Meyers '536. (See Item 7 of the September 29, 2004 Office Action).

On the contrary, if gasket 13 of Skinner et al. '994 were configured with membrane 30 of seal 20 of Meyers '536, the Skinner et al. '994 gasket could not be formed according to an extrusion process in which the gasket is first extruded, cut to length, and then formed into a circle followed by vulcanizing otherwise securing the ends of the gasket together. The foregoing process is disclosed by Skinner et al. '994 as necessary to form gasket 13 in order to place sealing projection 22 in compression and anchoring projection 17 in tension such that sealing projecting portion 22 is stable in each of the extended position thereof, shown in Figs. 3 and 4, and in the inwardly-folded position thereof, shown in Fig. 6.

Thus, one of ordinary skill in the art, *without knowledge of Applicant's claimed invention*, would not modify gasket 13 of Skinner et al. '994 to include membrane 30 of seal 20 of Meyers '536 because the foregoing would negate an essential purpose of the Skinner et al. '994 gasket. Seal 20 of Meyers '536, in contrast to gasket 13 of Skinner et al. '994, is made as an injection-molded plastic component, rather than an extruded rubber component, such that seal 20 of Meyers '536 may include both cylindrical wall member 22 and membrane 30. (See Meyers '536 at col. 7, lines 6-8).

For the foregoing reasons, Applicant respectfully submits that independent Claims 1, 11, and 17, as well as Claims 2-9, 12-15, and 18-22 which depend therefrom, are not obvious in view of Skinner et al. '994 in view of Meyers '536. Also, because withdrawn Claims 10, 16, and 23 each depend from independent Claims 1, 11, and 17, respectively, Applicant respectfully requests that at least Claims 10, 16, and 23 be brought back into the present application upon allowance of independent Claims 1, 11, and 17.

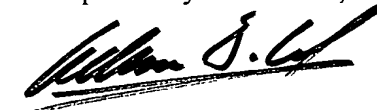
It is believed that the above represents a complete response to the Official Action and reconsideration is requested. Specifically, Applicant respectfully submits that the application is in condition for allowance and respectfully requests allowance thereof.

In the event Applicant has overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby petitions therefore and authorizes that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

Application Serial No. 10/719,101
Amendment dated December 2, 2004
Reply to Office Action dated September 29, 2004

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at (260) 424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: December 2, 2004

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Name of Registered Representative



Signature

December 2, 2004

Date